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Written statement* submitted by the public organization “Public Advocacy”, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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On violations of the rights of the Union of Orthodox Journalists (Ukraine) in relation to their professional activities

Freedom of speech and guarantees of independent journalistic activity should be provided by the state in the most effective ways.

The concept of responsibility for the protection foresees that the state is obliged to ensure human rights in its territory, especially the rights of professions that secure fundamental guarantees of democracy, such as freedom of speech and human rights activities.

Such guarantees should include the duty of the state to respond immediately to violations of the rights of journalists, especially in cases where such violations are open and cynical and premeditated.

The Union of Orthodox Journalists¹ is an information agency, registered in accordance with the legislation of Ukraine and legally carrying out its activities in the territory of Ukraine. The organization was established by the journalists of mainly Orthodox faith with a view to publishing and disseminating information about the religious life of the country. The UOJ has been providing extensive coverage of violations of the rights of the Ukrainian Orthodox Church, in particular, the events related to illegal church seizures, beating of the UOC believers, evidence of hate speech towards religious communities by radical organizations and civil servants.

On January 25, 2018, about 20 people in balaclavas violently broke into the office of the UOJ² and blocked the work of the editorial staff. These people videotaped their actions on mobile video cameras and broadcast the goings-on in a stream mode on the Internet on the page of their organization in Facebook³. The attackers claimed that they were activists of the radical organization S14. The perpetrators searched the premises, examined the documentation and computer data, and then began to insult and threaten the journalists and employees of the organization who were present in the room, negatively speaking about their activities. A significant number of violators did not hide their faces and openly bullied at the journalists. The reason for the threats was the human rights activity of journalists on the coverage of rights violations of the Ukrainian Orthodox Church. In the course of the violence, the hard disk was stolen from the editorial office, which contained journalistic materials and various personal data. During the attack, literature and documents concerning the activities of the editorial office were stolen too.

The police officers, who arrived at the call of the UOJ, found the violators at the scene of the offense, but did not take any action to detain the persons who had illegally penetrated into the editorial office. Also, the police did not identify the personalities of these individuals.

Immediately after the attack on the editorial board of the UOJ, members of this radical organization undertook an open attack of the Tithes Monastery of the Ukrainian Orthodox Church⁴, destroying the fence of the worship building. Furthermore, on January 28, 2018, a video recording of the attempts by activists of this organization to dismantle the building of the temple of the Ukrainian Orthodox Church in Lvov⁵ appeared on the page called "S14Lvov". The offenders filmed all their actions on video and published it in open access in Facebook, not even bothering to hide their personalities.

1 <http://uoj.org.ua/en/>

2 <http://uoj.org.ua/en/novosti/sobytiya/uoj-gives-details-of-s14-attack-on-editorial-office>

3 <https://www.facebook.com/c14news/videos/1481093365328290/>

4 <https://www.facebook.com/c14news/videos/1481170721987221/>

5 <https://www.facebook.com/c14lviv/videos/189769168284147/>

In accordance with the legislation of Ukraine, the actions of offenders contain signs of such crimes as "Arbitrariness" – Art. 356 of the Criminal Code of Ukraine; "Illegal obstruction of journalistic activity" – Art. 171 of the Criminal Code of Ukraine; "Incitement to religious enmity" – Art. 161 of the Criminal Code of Ukraine; theft of property.

Unfortunately, violations of the journalists' rights still occur in Ukraine. In fact, according to the **National Union of Journalists of Ukraine, since the beginning of 2017, there have been recorded 85 cases of beating of mass media representatives.** According to the information of the General Prosecutor's Office of Ukraine, only for the first half of the year in 2016 there were 113 criminal offenses against journalists.

However, the offense committed against the Union of Orthodox Journalists is not only an individual violation of rights, but also an open public attack on freedom of speech in the state. The demonstrative nature of the offense committed, as well as the fact of the video recording of the crime incident by the offenders themselves, is aimed at showing the world there is no democracy and respect for human rights in Ukraine. This offense is also characterized by the fact that it was perpetrated in connection with the journalists defending the freedom of religion and being engaged in human rights activities, highlighting violations of the rights of believers within the Ukrainian Orthodox Church.

We believe that the state of Ukraine must immediately respond to the violation of rights of the Union of Orthodox Journalists by bringing the perpetrators to justice. Only in this case can we be convinced that Ukraine really strives to follow the values of democracy and ensures law and order based on the principles of the Rule of Law and respect for the individual.

The essential point of the case is that on January 27, 2018, i.e. two days after the attack on the UOJ office, personal data of the journalists of this organization were published on the site "Mirotvorets" (Peacemaker). This website has been criticized by the journalistic and human rights community for publishing personal data of journalists and others, accusing them of anti-Ukrainian activities. The site contains rhetoric of hatred and may serve as a springboard in the organization of physical harassment of people, including those engaged in the journalistic and human rights field. In particular, this website published the name and personal details of the place of residence of journalist and clergyman of the Ukrainian Orthodox Church Aleksei Zoshchuk, who is considered by offenders to be the head of the Union of Orthodox Journalists. His "corpus delicti" is indicated on this Internet resource as follows: "Propaganda of the Russian world in Ukraine under the guise of religious activities. Curator-ideologist of the propagandist wing of the Moscow Church in Ukraine. Conscious manipulation of socially significant information in the interests of the aggressor country. Defines the policy of the so-called "Union of Orthodox Journalists."

Alongside the name of Aleksei Zoshchuk, personal data of the UOJ journalists Anna Poddubnaya and Valery Stupnitsky were posted on this site.

The fact of placing personal data of Ukrainian journalists, together with the impunity of the violent public action against them, testifies to the erosion of the legal system of the state.

At the same time, one cannot but be concerned with the significant increase in the aggression towards believers of the Ukrainian Orthodox Church, especially in view of the fact that the attack on journalists was caused by their belonging to the Orthodox Church and professional activity with regard to religious life.

In Ukraine, the extensive involvement of mass media in spreading hate speech, including against the believers of the Ukrainian Orthodox Church, is materializing. Dissent and disagreement with the pattern, imposed on society by radical and nationalist organizations, are subject to persecutions. In this regard, the violent action against the Union of Orthodox Journalists is a chain being interwoven with the subsequent conflict situations, the destruction of property and threats against religious organizations and individual believers.

The State of Ukraine should immediately ensure the protection of the right to freedom of speech in Ukraine and guarantee the possibility of independent journalistic activity. Achieving this goal is impossible without bringing to account those who publicly and pointedly demonstrate disregard for the democratic standards of society and carry out terror and violence as their regular practice.

We remind and draw attention to the fact that journalistic activities to ensure freedom of speech is the most important linchpin of a democratic society, and freedom of religion is a guarantee of religious peace in the sensitive sphere of personal convictions. The incitement of religious enmity towards the Ukrainian Orthodox Church, as witnessed in Ukraine, which is combined with public persecutions against activists, human rights activists and journalists working in the sphere of religious freedom, pose a real threat to the country.

We handed over a detailed report on violations of the rights of the UOC believers to the UN Human Rights Council under the procedure of the Universal Periodic Review on Ukraine of the 28th session of the HRC⁶.

We call on the UN Human Rights Council, the international community, human rights organizations, diplomatic delegations of the states not only to pay attention, but also to ensure the protection of human rights in Ukraine, using all the existing means of an international human rights mechanism.

⁶https://www.upr-info.org/sites/default/files/document/ukraine/session_28_-_november_2017/npa_upr28_ukr_e_main.pdf